

EMPLOYMENT APPEALS BOARD DECISION
2025-EAB-0415

Reversed & Remanded

PROCEDURAL HISTORY: On April 16, 2025, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant quit working for the employer without good cause and was disqualified from receiving benefits from March 2, 2025 through March 7, 2026 (decision # L001045027). Claimant filed a timely request for hearing. On June 30, 2025, ALJ Murdock conducted a hearing, and on July 2, 2025 issued Order No. 25-UI-296571, modifying decision # L001045027 by concluding that claimant quit work without good cause and was disqualified from receiving benefits effective March 2, 2025 and until requalified.¹ On July 10, 2025, claimant filed an application for review with the Employment Appeals Board (EAB).

WRITTEN ARGUMENT: Claimant did not state that she provided a copy of her argument to the employer as required by OAR 471-041-0080(2)(a) (May 13, 2019). The argument also contained information that was not part of the hearing record and did not show that factors or circumstances beyond claimant's reasonable control prevented her from offering the information during the hearing as required by OAR 471-041-0090 (May 13, 2019). EAB considered only the information received into evidence at the hearing. *See* ORS 657.275(2).

The parties may offer new information, such as the new information in claimant's written argument, into evidence at the remand hearing. At that time, the ALJ will determine if the new information will be admitted into the record. The parties must follow the instructions on the notice of the remand hearing about documents they wish to have considered at the hearing. These instructions will direct the parties to provide copies of such documents to the ALJ and the other parties before the hearing at their addresses on the certificate of mailing for the notice of hearing.

FINDINGS OF FACT: (1) DHS SPD Provider Payment Unit employed claimant as an in-home caregiver from January 2011 through March 7, 2025. Claimant worked for the same client for the duration of this period.

¹ Although Order No. 25-UI-296571 stated it affirmed decision # L001045027, it modified that decision by changing the effective dates of the disqualification. Order No. 25-UI-296571 at 2.

(2) For much of her employment, claimant was in regular conflict with the client's wife, whom claimant felt was difficult. Despite this, claimant was generally able to manage her interactions with the client's wife for most of the time she worked for the client. Claimant continued working for the client because she cared for him and felt he was like a brother to her.

(3) In November 2024, claimant took a leave of absence to help assist an ill family member. In January 2025, claimant returned to work. At that time, claimant noticed that the "whole atmosphere had changed," and claimant's interactions with the client's wife had become significantly more difficult. Audio Record at 6:20. For instance, the wife had been regularly "pick[ing] fights" with claimant, spoke to claimant in a way that claimant felt was abusive, made "snide comments" towards claimant while claimant was walking away from her, and was "just really uncooperative in every way." Audio Record at 8:55, 9:17, 9:30. Based on this behavior, claimant felt that the wife was trying to induce claimant to quit.

(4) Claimant also felt that the wife no longer had the client's best interests at heart. For example, while claimant was on leave, the client's wife adopted a dog, and expected claimant to provide care for the dog, as both the client and his wife were disabled. Claimant was not allowed to do so under the employer's rules, and so refused. In response, the client's wife started tying the dog's leash around the client's walker so that the client could walk the dog. Claimant felt this was a dangerous practice, as it could result in the dog dragging the client around on the walker, but the client's wife dismissed claimant's concerns. Claimant also reported her concerns about this to the employer, but they told claimant there was nothing they could do.

(5) On or around March 1, 2025, claimant and the client's wife got into an argument, and claimant felt that the wife acted disrespectfully towards her by, for instance, refusing to look at or talk to claimant. Based on this, and the difficulties she had been having with the wife generally, claimant gave the client a two-week notice of her resignation. However, claimant and the client talked the matter over, and the client was later able to convince claimant to rescind her notice.

(6) On March 7, 2025, the client's wife made a "huge mess" in the kitchen and left it for claimant to clean up. Audio Record at 7:18. As claimant was cleaning up the kitchen, the wife made "snide comments" about claimant's work, implying that claimant should have started cleaning up after the wife while the latter was still dirtying dishes. Audio Record at 7:40. Claimant explained that she had believed that the wife would not have wanted her to start cleaning while the wife was still working in the kitchen. However, the wife "just kind of stormed out of the room like [claimant] did something wrong again." Audio Record at 12:20. At that point, claimant felt that "something broke [and she] couldn't do it anymore." Audio Record at 8:01. Claimant therefore quit with immediate effect. Claimant was 67 years old at the time she quit.

CONCLUSIONS AND REASONS: Order No. 25-UI-296571 is reversed, and this matter remanded for further development of the record.

A claimant who leaves work voluntarily is disqualified from the receipt of benefits unless they prove, by a preponderance of the evidence, that they had good cause for leaving work when they did. ORS 657.176(2)(c); *Young v. Employment Department*, 170 Or App 752, 13 P3d 1027 (2000). "Good cause . . . is such that a reasonable and prudent person of normal sensitivity, exercising ordinary common sense,

would leave work.” OAR 471-030-0038(4) (September 22, 2020). “[T]he reason must be of such gravity that the individual has no reasonable alternative but to leave work.” OAR 471-030-0038(4). The standard is objective. *McDowell v. Employment Department*, 348 Or 605, 612, 236 P3d 722 (2010). A claimant with a permanent or long-term “physical or mental impairment,” as defined at 29 CFR §1630.2(h), who quits work must show that no reasonable and prudent person with the characteristics and qualities of an individual with such an impairment would have continued to work for their employer for an additional period of time.

Claimant voluntarily quit work due to her regular negative interactions with the client’s wife. The order under review concluded that this did not constitute good cause for quitting, explaining that claimant failed to show that her circumstances were grave because she did not “describe any conduct that was abusive,” instead giving only “a vague example... that was merely a criticism or difference of opinion.” Order No. 25-UI-296571 at 2.

However, although the record does not contain examples of the wife’s behavior that were objectively egregious, claimant’s testimony suggested that the cumulative effect of the wife’s behavior, over time, was what ultimately led her to quit, as she explained that “something broke [and she] couldn’t do it anymore” after the final interaction with the wife. However, no inquiry was made into what specific effects, if any, the wife’s behavior had on claimant. Furthermore, claimant was 67 at the time she quit, and testified that at her age she could not “take that kind of abuse.” Audio Record at 9:05. No inquiry was made as to what it meant to “take that kind of abuse” at claimant’s age.

On remand, the ALJ should inquire as to whether claimant had any permanent or long-term impairments, age-related or otherwise, which affected or were impacted by her interactions with the client’s wife. The ALJ should also inquire as to the specific negative effects, if any, that these interactions had on claimant, regardless of whether claimant had any permanent or long-term impairments. To the extent that the record shows that there were any such specific negative effects, the record should be developed to determine what, if anything, claimant did to mitigate these effects, such as attempting to work with the client or his wife to smooth out their interactions, trying stress-reduction techniques, or seeking counseling or medical intervention.

ORS 657.270 requires the ALJ to give all parties a reasonable opportunity for a fair hearing. That obligation requires the ALJ to ensure that the record developed at the hearing shows a full and fair inquiry into the facts necessary to consider all the issues before the ALJ. ORS 657.270(3); *see accord Dennis v. Employment Division*, 302 Or 160, 728 P2d 12 (1986). Because further development of the record is necessary to decide whether claimant quit work with good cause, Order No. 25-UI-296571 is reversed and this matter remanded to the Office of Administrative Hearings for another hearing and order.

DECISION: Order No. 25-UI-296571 is set aside, and this matter remanded for further proceedings consistent with this order.

D. Hettle and A. Steger-Bentz;
S. Serres, not participating.

DATE of Service: August 14, 2025

NOTE: The failure of any party to appear at the hearing on remand will not reinstate Order No. 25-UI-296571 or return this matter to EAB. Only a timely application for review of the order mailed to the parties after the remand hearing will return this matter to EAB.

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Understanding Your Employment Appeals Board Decision

English

Attention – This decision affects your unemployment benefits. If you do not understand this decision, contact the Employment Appeals Board immediately. If you do not agree with this decision, you may file a Petition for Judicial Review with the Oregon Court of Appeals following the instructions written at the end of the decision.

Simplified Chinese

注意 – 本判決會影響您的失業救濟金。如果您不明白本判決，請立即聯繫就業上訴委員會。如果您不同意此判決，您可以按照該判決結尾所寫的說明，向俄勒岡州上訴法院提出司法複審申請。

Traditional Chinese

注意 – 本判決會影響您的失業救濟金。如果您不明白本判決，請立即聯繫就業上訴委員會。如果您不同意此判決，您可以按照該判決結尾所寫的說明，向俄勒岡州上訴法院提出司法複審申請。

Tagalog

Paalala – Nakakaapekto ang desisyong ito sa iyong mga benepisyo sa pagkawala ng trabaho. Kung hindi mo naiintindihan ang desisyong ito, makipag-ugnayan kaagad sa Lupon ng mga Apela sa Trabaho (Employment Appeals Board). Kung hindi ka sumasang-ayon sa desisyong ito, maaari kang maghain ng isang Petisyon sa Pagsusuri ng Hukuman (Petition for Judicial Review) sa Hukuman sa Paghahabol (Court of Appeals) ng Oregon na sinusunod ang mga tagubilin na nakasulat sa dulo ng desisyon.

Vietnamese

Chú ý - Quyết định này ảnh hưởng đến trợ cấp thất nghiệp của quý vị. Nếu quý vị không hiểu quyết định này, hãy liên lạc với Ban Kháng Cáo Việc Làm ngay lập tức. Nếu quý vị không đồng ý với quyết định này, quý vị có thể nộp Đơn Xin Tái Xét Tư Pháp với Tòa Kháng Cáo Oregon theo các hướng dẫn được viết ra ở cuối quyết định này.

Spanish

Atención – Esta decisión afecta sus beneficios de desempleo. Si no entiende esta decisión, comuníquese inmediatamente con la Junta de Apelaciones de Empleo. Si no está de acuerdo con esta decisión, puede presentar una Aplicación de Revisión Judicial ante el Tribunal de Apelaciones de Oregon siguiendo las instrucciones escritas al final de la decisión.

Russian

Внимание – Данное решение влияет на ваше пособие по безработице. Если решение Вам непонятно – немедленно обратитесь в Апелляционный Комитет по Трудоустройству. Если Вы не согласны с принятым решением, вы можете подать Ходатайство о Пересмотре Судебного Решения в Апелляционный Суд штата Орегон, следуя инструкциям, описанным в конце решения.

Khmer

ចំណុចសំខាន់ – សេចក្តីសម្រេចនេះមានផលប៉ះពាល់ដល់អត្ថប្រយោជន៍គ្មានការងារធ្វើរបស់លោកអ្នក។ ប្រសិនបើលោកអ្នកមិនយល់អំពីសេចក្តីសម្រេចនេះ សូមទាក់ទងគណៈកម្មការឧទ្ធរណ៍ការងារភ្លាមៗ។ ប្រសិនបើលោកអ្នកមិនយល់ស្របចំពោះសេចក្តីសម្រេចនេះទេ លោកអ្នកអាចដាក់ពាក្យប្តឹងសុំឲ្យមានការពិនិត្យរឿងក្តីឡើងវិញជាមួយតុលាការឧទ្ធរណ៍រដ្ឋ Oregon ដោយអនុវត្តតាមសេចក្តីណែនាំដែលសរសេរនៅខាងចុងបញ្ចប់នៃសេចក្តីសម្រេចនេះ។

Laotian

ເອົາໃຈໃສ່ – ຄໍາຕັດສິນນີ້ມີຜົນກະທົບຕໍ່ກັບເງິນຊ່ວຍເຫຼືອການຫວ່າງງານຂອງທ່ານ. ຖ້າທ່ານບໍ່ເຂົ້າໃຈຄໍາຕັດສິນນີ້, ກະລຸນາຕິດຕໍ່ຫາຄະນະກຳມະການອຸທອນການຈ້າງງານໃນທັນທີ. ຖ້າທ່ານບໍ່ເຫັນດີນຳຄໍາຕັດສິນນີ້, ທ່ານສາມາດຍື່ນຄໍາຮ້ອງຂໍການທົບທວນຄໍາຕັດສິນນຳສານອຸທອນລັດ Oregon ໄດ້ໂດຍປະຕິບັດຕາມຄໍາແນະນຳທີ່ບອກໄວ້ຢູ່ຕອນທ້າຍຂອງຄໍາຕັດສິນນີ້.

Arabic

هذا القرار قد يؤثر على منحة البطالة الخاصة بك، إذا لم تفهم هذا القرار، إتصل بمجلس منازعات العمل فوراً، و إذا كنت لا توافق على هذا القرار، يمكنك رفع شكوى للمراجعة القانونية بمحكمة الاستئناف بأوريغون و ذلك باتباع الإرشادات المدرجة أسفل القرار.

Farsi

توجه - این حکم بر مزایای بیکاری شما تاثیر می گذارد. اگر با این تصمیم موافق نیستید، بلافاصله با هیأت فرجام خواهی استخدام تماس بگیرید. اگر از این حکم رضایت ندارید، می‌توانید با استفاده از دستور العمل موجود در پایان آن، از دادگاه تجدید نظر اورگان درخواست تجدید نظر کنید.

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